

JUL-27-2009 MON 04:04 PM

JOHN R MOELLER PC

FAX No. 732 418 1663

P. 003

JUL 28 2009  
SUPERIOR COURT  
MIDDLESEX COUNTY

JOHN R. MOELLER, JR., P.C.  
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Suite 4  
Point Pleasant Beach, New Jersey 08742  
(732) 898-5995  
Attorney for Plaintiff(s), File 1238

04 JUL 15 AM 9:41

SUZANNE BELL,

Plaintiff(s),

v.

AVROHOM PRAGER, BUDGET TRUCK RENTAL  
LLC, 15<sup>th</sup> AVENUE FOOD CORPORATION,  
AVIS BUDGET GROUP, ABC CORPORATIONS  
(1-5), fictitious entities and JOHN DOES (1-5),  
fictitious individual(s),

Defendant(s).

FILED &amp; RECEIVED

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5128-09

Civil Action

COMPLAINT AND JURY DEMAND

The plaintiff, Suzanne Bell, residing at 99 South Fulton Street in the Township of Woodbridge,  
County of Middlesex and State of New Jersey, complaining of the defendant(s) says:

FIRST COUNT

1. On or about the 1<sup>st</sup> day of July 2007, the plaintiff, Suzanne Bell, was the operator and owner of a certain motor vehicle. Said vehicle was yielding on the Route 9 North ramp, for oncoming traffic prior to entering Route 9 and Route 35 North in the City of South Amboy, County of Middlesex and State of New Jersey.

2. At the same time and place, the defendant, Avrohom Prager, residing at 1860 52<sup>nd</sup> Street in the Borough of Brooklyn, City of New York, County of Kings and State of New York, was the operator of a certain motor vehicle travelling on the Route 9 North ramp in the City

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EXHIBIT A

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of South Amboy, County of Middlesex and State of New Jersey and owned by Budget Truck Rental, LLC, doing business at 3301 South Meridian Avenue in the City of Oklahoma City and State of Oklahoma.

3. The defendant, Avrohom Prager and/or Budget Truck Rental, LLC and/or Avis Budget Group, failed to exercise reasonable care in the operation and/or ownership of their motor vehicle and otherwise failed to comply with New Jersey Motor Vehicle Statutes and were otherwise negligent and careless.

4. As a direct and proximate consequence of the negligence and carelessness of the defendant(s), plaintiff's vehicle was struck/rear-ended, while stopped for oncoming traffic prior to entering Route 9 and Route 35, thereby resulting in permanent injuries to plaintiff, Suzanne Bell; she has and will be caused to endure pain and suffering which will continue; and has and will be caused to incur medical expenses and suffer economic losses.

5. Plaintiff's injuries comply with the requirements of N.J.S.A. 39:6A-8 et seq., if applicable.

WHEREFORE, the plaintiff, Suzanne Bell, demands judgment on this Count together with compensatory damages, medical expenses, counsel fees and costs.

#### SECOND COUNT

1. The plaintiff hereby repeats and reiterates the allegations contained in the First Count as if same were more fully set forth at length herein.

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2. At the time of the accident, Avrohom Prager was the agent, servant and/or employee of the Defendant, 15<sup>th</sup> Avenue Food Corporation and was acting within the scope of his agency or employment and therefore the Defendant, 15<sup>th</sup> Avenue Food Corporation is vicariously liable for the acts of its agents, servants and/or employees.

WHEREFORE, the plaintiff, Suzanne Bell, demands judgment on this Count, together with compensatory damages, medical expenses, counsel fees and costs.

### THIRD COUNT

1. The plaintiff hereby repeats and reiterates the allegations contained in the First and Second Counts as if same were more fully set forth at length herein.

2. The Defendant Avrohom Prager was an independent contractor retained by the Defendant, 15<sup>th</sup> Avenue Food Corporation knew or should have known of the particular unfitness, incompetence or dangerous propensities of the Defendants Avrohom Prager and could have reasonably foreseen such qualities created a risk of harm to other persons.

3. Plaintiff's injuries were an approximate cause by the unfitness, incompetence and dangerous propensities of the Defendant, Avrohom Prager.

WHEREFORE, the plaintiff, Suzanne Bell, demands judgment against Avrohom Prager and 15<sup>th</sup> Avenue Food Corporation for the negligent hiring of the former, on this Count together with compensatory damages, medical expenses, counsel fees and costs.

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FOURTH COUNT

4. The plaintiff hereby repeats and reiterates the allegations contained in the First, Second and Third Counts as if same were more fully set forth at length herein.

5. John Does (1-5) are fictitious individuals or entities whose negligent operation and/or ownership of their motor vehicle caused or contributed to the injuries of plaintiff.

6. As a result of the careless, reckless and negligent operation and/or ownership, by defendant(s); John Does (1-5), fictitious individuals, the plaintiff, Suzanne Bell was caused to be injured.

WHEREFORE plaintiff, Suzanne Bell, demands judgment against the defendants, John Does (1-5) fictitious individuals, severally or in the alternative, for damages together with interest and costs of suit.

FIFTH COUNT

1. The plaintiff hereby repeats and reiterates the allegations contained in the First, Second, Third and Fourth Counts as if same were more fully set forth at length herein.

2. Defendant(s) ABC Corporation(s) (1-5) are one or more fictitious entities whose negligence whether active or imputed were a proximate cause of the accident.

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3. Upon information and belief, defendant Avrohom Prager was an agent servant or employee of defendant(s) ABC Corporation who is legally responsible for the injuries sustained by plaintiff.

WHEREFORE plaintiff, Suzanne Bell, demand judgment against the defendants, ABC Corporations (1-5) fictitious entities, severally or in the alternative, for damages together with interest and costs of suit.

JURY DEMAND

PLEASE TAKE NOTICE that Plaintiffs, pursuant to R.4:35-1, demand a trial by jury as to all issues.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to Rule 4:10-2(b), demand is hereby made that defendants disclose to plaintiff's attorneys whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provided plaintiffs' attorneys with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe and umbrella policies.

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CIVIL ACTION  
SUPERIOR COURT  
MIDDLESEX VICINAGE

DESIGNATION OF TRIAL COUNSEL

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PLEASE TAKE NOTICE that attorney, JOHN R. MOELLER, JR., ESQUIRE, is hereby designated as trial counsel in the above-captioned litigation pursuant to R.4:26-4.

DATED: June 8, 2009

FILED & RECEIVED

JOHN R. MOELLER, JR.

CERTIFICATION PURSUANT TO R. 4:5-1

I, JOHN R. MOELLER, JR., of full age, do hereby certify:

1. I am an attorney at law of the State of New Jersey.
2. To the best of my knowledge, information and belief there is no other action pending about the subject matter of this Complaint in any Court or arbitration proceedings.

DATED: June 8, 2009

JOHN R. MOELLER, JR.

PURSUANT TO RULE 4:5-1

Plaintiff also demands from the defendant(s) answers to Form (C) and (C-1) Interrogatories within the time prescribed by the rules of court.

DATED: June 8, 2009

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